APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,942	04/19/2005	Yi Li	2085-04000	4511

23505   7590   01/26/2009
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EXAMINER
PARK, JEONG S

ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
01/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pathou@conleyrose.com

	Application No.	Applicant(s)
	10/531,942	LI, YI
Office Action Summary	Examiner	Art Unit	
	JEONG S. PARK	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 November 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Application No. 10/531,942 filed on

8/31/2004. The amendment presented on 11/11/2008, which amends claims 1 and 10,

is hereby acknowledged. Claims 1-18 have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-7, 9-16 and 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kumar et al. (hereinafter Kumar)(U.S. Patent No. 7,188,151 B2).

        Regarding claims 1 and 10, Kumar teaches as follows:

        a data acquisition source management method for managing acquisition sources

(the engine manages transmission of the data from the patient-side device to the

provider-side device, see, e.g., abstract), the data acquisition source management

method comprising the steps of:

        generating a source list for containing at least one acquisition source (patient-

side devices 102 in figure 1A) by a Real-time Multimedia Data On Demand (RTMDOD)

server (interpreted as an engine implemented on a central server 106 in figure 1A)(the

patient logs on to a website with a secure logon ID and password thereby creating a

session, see, e.g., col. 8, lines 20-43 and figure 2), each of the at least one acquisition

source contained in the source list being for provision of data therefrom and being in

data communication with the RTMDOD server (the provider can view streaming and/or

saved data relating to the patient by selecting button 504 in figure 5, see, e.g., col. 8,

lines 47-56);

      providing the source list (patient list) to a data requestor system (provider-side

devices 104 in figure 1A)(the provider's patients are listed on a screen 500 in figure 5,

see, e.g., col. 8, lines 47-56), the source list being provided by the RTMDOD server in

response to the RTMDOD server receiving a list request from the data requestor

system, the data requestor system being in data communication with the RTMDOD

server (the provider can view streaming and/or saved data relating to the patient by

selecting button 504 in figure 5, see, e.g., col. 8, lines 47-56); and

      receiving a data request from the data requestor system (provider-side device)

by the RTMIDOD server (engine), the data request being a request for data from at

least one of the at least one acquisition source being registered on the source list and

being indicated thereby (the engine manages data transmission from the patient-side

device to the provider-side device, see, e.g., col. 7, lines 19-25).

      Regarding claims 2 and 11, Kumar teaches as follows:

      providing a data response from the RTMDOD server to the data

requestor system in responses to the data request being received by the

RTMDOD server from the data requestor system (the provider can view streaming

and/or saved data relating to the patient by selecting button 504 in figure 5, see, e.g., col. 8, lines 47-56).

Regarding claims 3 and 12, Kumar teaches as follows:

transmitting registration data (logon ID and password) from the at least one acquisition source to the RTMDOD server (creating a session with the system by transmitting a logon ID and password, see, e.g., col. 8, lines 20-43);

verifying the registration data from the at least one acquisition source by the RTMDOD server (registration 1002 in figure 10 and individual client 1102 in figure 11, verification is inherently included for session login procedure); and

registering the at least one acquisition source onto the source list and storing the registration data corresponding to the registered at least one acquisition source onto a source database (profile database 1204 in figure 12) in response to the registration data being verified (entered user profile is written in the profile database, see, e.g., col. 9, liens 34-37 and figure 12).

Regarding claims 4 and 13, Kumar teaches as follows:

transmitting log-in data from the data requestor system (provider) to the RTMDOD server (provider can immediately view their patient's real time data by joining the session, see, e.g., col. 8, lines 57-59 and figure 11 for service provider registration);

registering the data requestor system onto a requestor list in response to receiving the log-in data therefrom, the requestor list containing at least one of a plurality of data requestor systems (see, e.g., col. 9, lines 51-59 and figure 15); and

transmitting the source list to each of the plurality of data requestor system

registered on the requestor list (the provider can view streaming and/or saved data relating to the patient by selecting button 504 in figure 5, see, e.g., col. 8, lines 47-56).

Regarding claims 5 and 14, Kumar teaches as follows:

transmitting data from the RTMDOD server to the data requestor system, the data being provided by one or more of the at least one acquisition source indicated by and in response to the data request (the engine manages data transmission from the patient-side device to the provider-side device, see, e.g., col. 7, lines 19-25).

Regarding claims 6 and 15, Kumar teaches as follows:

the data transmitted from the corresponding at least one acquisition source to the RTMDOD server is subsequently received by the data requestor system in real-time therefrom (the provider can immediately view their patient's real time data by joining the session, see, e.g., col. 8, lines 57-59).

Regarding claims 7 and 16, Kumar teaches as follows:

the data received by the RTMDOD server from the corresponding at least one acquisition source being multimedia data (real-time streaming of textual/audio/video data from a patient to a health care provider, see, e.g., col. 2, lines 1-8).

Regarding claims 9 and 18, Kumar teaches as follows:

verifying status of each of the acquisition source registered on the source list, the status of each of the acquisition source being one of active or inactive (Admin module 1010 in figure 19 shows the clients submodule 1902 includes servlets that display disabled and enabled clients and modify the profile of client, see, e.g., col. 11, lines 1-26 and figure 19);

updating the source list by removing the acquisition source having the status of

inactive therefrom (the provider is notified that a session is in progress via a flashing

"live" button, see, e.g., col. 8, lines 47-56); and

transmitting the updated source list to each of the plurality of data requestor

system registered on the requestor list (the provider is notified that a session is in

progress via a flashing "live" button, see, e.g., col. 8, lines 47-56).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kumar et al. (hereinafter Kumar)(U.S. Patent No. 7,188,151 B2).

Regarding claims 8 and 17, Kumar teaches communications between the engine

and the provider as presented above. Therefore it would be obvious to providing an

error message to the provider when the provider improperly accesses the website

provided by the engine.

Response to Arguments

6.   Applicant's arguments filed 11/11/2008 have been fully considered but they are

not persuasive.

A.   Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) Kumar teaches that the request for data is initiated by the acquisition source. Kumar therefore does not teach or intimate, according to amended claims 1 and 10, that the request is initiated by the data requestor system.

2) Although Kumar teaches providing a source list or patient list to the data requestor system, the source list is not provided in response to the request from the data requestor system as recited in amended claims 1 and 10 of Applicant's application. On the contrary, Kumar teaches provision of the source list in response to the request that is initiated by the acquisition source.

3) Kumar teaches that the request is initiated by the acquisition source and not by the data requestor system in response to data request. As such, a person having ordinary skill in the art upon understanding Kumar would realize that an error message is generated only if the data request is initiated by the acquisition source and not subsequent to a request being initiated by the data requestor system in response to the data request.

B.   Response to Arguments:

In response to argument 1) Kumar teaches as follows:

The engine implemented on a central server (106 in figure 1A, equivalent to applicant's RTMDOD server) manages transmission of the data from the patient-side device to the provider-side device. This means that the engine receives the data from the patient-side device and transmit the raw or processed data to the provider-side

device and stores the data for later transmission to the provider-side device (see, e.g., col. 2, lines 9-19);

The devices on the patient and/or provider sides allow for various forms of bidirectional communication including instant messaging, an integrated email system, real-time video, and real time audio (see, e.g., col. 2, lines 55-64);

The provider can view streaming and/or saved data relating to the patient by selecting button (504 in figure 5, see, e.g., col. 8, lines 47-56).

Therefore, the data stored at the engine is viewed on the request from the provider by selecting button.

In response to argument 2), Kumar teaches the engine provides the streaming or saved data upon the provider selecting button as presented above.

In response to argument 3), Kumar teaches that the request is initiated by the data requestor system in response to data request as presented above. Also it teaches bidirectional communications between patient and provider devices. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kumar to include providing error message to the provider device by the engine in response to the data request.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JEONG S. PARK whose telephone number is (571)270-

1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30

EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2454

January 12, 2009

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454